

UNITED STATES DISTRICT COURT

NOV 10 2015

for the
District of New MexicoMATTHEW J. DYKMAN
CLERK

In the Matter of the Search of

)

(Briefly describe the property to be searched
or identify the person by name and address)

)

Case No.

15MR725

Tan single-story stucco residence located at 306
Becker Ave, Belen, NM 87002 with "306" in black
numbers on white mailbox outside residence.

)

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that there is now concealed on the following person or property located in the _____ District of New Mexico (*identify the person or describe property to be searched and give its location*): Tan single-story stucco residence located at 306 Becker Ave, Belen, NM 87002 with "306" in black numbers on white mailbox outside residence.

The person or property to be searched, described above, is believed to conceal (*identify the person or describe the property to be seized*): Tan single-story stucco residence located at 306 Becker Ave, Belen, NM 87002 with "306" in black numbers on white mailbox outside residence is believed to conceal firearms, narcotics, and ammunition. *See Attachment A*
LG Ksm

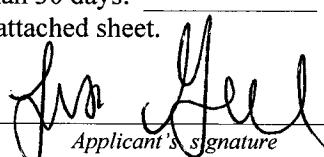
The basis for the search under Fed. R. Crim. P. 41(c) is (*check one or more*):

- evidence of a crime;
- contraband, fruits of crime, or other items illegally possessed;
- property designed for use, intended for use, or used in committing a crime;
- a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of 18 U.S.C. § 922(g)(1), and the application is based on these facts: See Attached

Continued on the attached sheet.

Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.



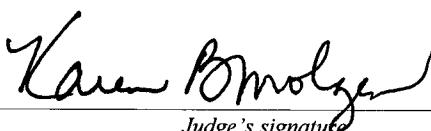
Lisa Gaul, Special Agent ATF

Printed name and title

Sworn to before me and signed in my presence.

Date: 11/10/2015

City and state: Albuquerque, NM



Judge's signature

KAREN B. MOLZEN
U.S. MAGISTRATE JUDGE

Printed name and title

AFFIDAVIT FOR SEARCH WARRANT

1. Lisa Gaul, a Special Agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), being duly sworn, deposes and states:
2. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF). I have been employed with ATF since March of 2014. I am an investigative, or law enforcement officer of the United States within the meaning of Title 18, United States Code, Section 2510 (7), in that I am an officer of the United States who is empowered by law to conduct investigations and make arrests for the offenses enumerated in Title 18 and 26, United States Code.
3. Through the ATF, I have received specialized training in the enforcement of federal firearms, explosives, and arson laws. I have successfully completed the Criminal Investigator Training Program and the Special Agent Basic Training at the Federal Law Enforcement Training Center in Glynco, Georgia that certified me as a Special Agent with ATF. In connection with my official duties, I have been involved in numerous investigations of persons who are prohibited from lawfully possessing firearms and ammunition in violation of Title 18, United States Code, Section 922 (g) (1). I have experience in the execution of arrest and search warrants, surveillance, debriefings of defendants, suspects, witnesses, victims and informants and I have testified in judicial proceedings in federal court involving prosecutions relating to violations of federal firearms laws.
4. Prior to being employed with the ATF, I was employed as a Border Patrol Agent with the United States Border Patrol (USBP) in Nogales, Arizona from March 2007 to March 2014. As a Border Patrol Agent I made arrests for violations of the

Immigration and Nationality Act and the Controlled Substances Act. During my employment with the U.S. Border Patrol I was assigned to the Drug Enforcement Agency (DEA) from November 2010 to November 2012 where I was involved in numerous investigations for violations of the Controlled Substances Act. I conducted physical surveillance, interviewed sources of information, witnesses and defendants, reviewed telephone subpoenas and toll records, participated in search warrants, arrest warrants, undercover operations, purchases of narcotics and in the interception of wire communications.

5. This affidavit is intended to show only that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

IDENTIFICATION OF THE RESIDENCE TO BE SEARCHED

1. The residence to be searched is tan single-story stucco residence located at 306 Becker Ave, Belen, NM 87002 with "306" in black numbers on white mailbox outside residence. There are three (3) rooms inside the residence; a living room, kitchen and bedroom with a bathroom.

PROBABLE CAUSE

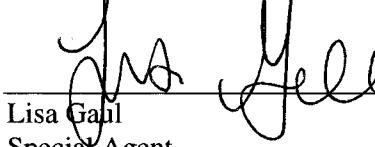
2. On November 6, 2015, members of the United States Marshal's Southwest Fugitive Investigative Team (SWIFT) were conducting surveillance at 306 Becker Ave, Belen, New Mexico, based on information that a wanted fugitive, Barry ROMERO, was residing at the residence with his girlfriend, Jamie Carrasco. Your Affiant observed ROMERO arrive at the residence in a Grey Chevrolet Impala with an unidentified male. Your Affiant observed ROMERO walk into the residence with the unidentified male for a short

period of time and then walk outside the residence with the unidentified male until the male left. Your Affiant observed ROMERO walk to the white mailbox and check for mail and then walk into the residence. Your Affiant observed Jamie Carrasco, ROMERO's girlfriend, arrive in a white 1997 Toyota Camry, license plate 178PTL that is registered to her and go inside the residence.

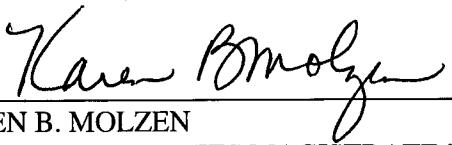
3. On November 10, 2015, members of the US Marshals' SWIFT began conducting surveillance at 306 Becker Ave, Belen, NM at approximately 6:00 AM. Between 7:00 AM and 7:20 AM, members of the US Marshals' SWIFT observed ROMERO exit the residence and turn on the white Toyota Camry and open up the gate in front of the residence. At approximately 7:20 AM, Carrasco left the residence in the white Toyota Camry. At approximately 7:30 AM, members of the US Marshals' SWIFT, knocked and announced "Police" at 306 Becker Ave. No one answered the door and after a reasonable amount of time, members of the US Marshals' SWIFT forced entry into the residence. ROMERO was arrested inside the residence without incident. ROMERO made a voluntary statement that he was surprised members of the US Marshals' SWIFT were looking for him when he only had four (4) months left on his probation.
4. During a protective sweep of the residence, members of the US Marshals' SWIFT and your Affiant observed an open safe in the living room with two (2) firearm holsters and a magazine with ammunition. Your Affiant also observed what appeared to be drug paraphernalia and narcotics inside a glass jar on a table in the living room. In the back bedroom, your Affiant observed in plain view body armor hanging over the closet door, three (3) gun cases, gun cleaning fluid and a box of 9mm Luger caliber ammunition.

5. ROMERO has two active Arrest Warrants, one (1) from Probation and Parole in Santa Fe for a parole violation entered on October 16, 2015 and one (1) from the Sheriff's Office in Los Lunas for Robbery entered on August 16, 2015.
6. Your Affiant determined that Barry ROMERO was previously convicted of Robbery in the Los Lunas District Court under case number D-1314-CR-20050045, Possession of a Deadly Weapon or Explosive by a Prisoner in Santa Fe District Court under court case D-101-CR-200200886, Possession of Controlled Substance (Cocaine) in the Albuquerque District Court under court case D-202-CR-199900715, Trafficking a Controlled Substance in the Albuquerque District Court under case number D-202-CR-199901901, Attempted Robbery in the Albuquerque District Court under case number D-202-CR-199903730 and Aggravated Battery in the Albuquerque District Court under court case D-202-CR-199900112.
7. Your Affiant discovered after querying law enforcement databases that ROMERO has registered utilities at 306 Becker Ave., Belen, NM since November 2015.
8. Based on the above facts, your Affiant respectfully requests permission to search the residence of 306 Becker Ave, Belen, NM as your Affiant opines probable cause exists that firearms and ammunition are present inside 306 Becker Ave; in violation of Title 18 U.S.C 922(g)(1).

Respectfully submitted,


Lisa Gaul
Special Agent
ATF

Subscribed and sworn to before me
on November 10, 2015:


Karen B. Molzen
KAREN B. MOLZEN
CHIEF UNITED STATES MAGISTRATE JUDGE

Attachment A

DESCRIPTION OF EVIDENCE TO BE SEARCHED FOR AND SEIZED

1. Firearms, ammunition, and any documents indicating the possession, sale, receipt, purchase or barter for items in exchange for firearms or property, specifically ammunition packaging, containers, labels, receipts, and other items pertaining to the possession of firearms, including gun cases, ammunition magazines, holsters, spare parts for firearms, firearms cleaning equipment, photographs of firearms or of persons in possession of firearms, and receipts for the purchase and/or repair of all these items.
2. Records and documents which reflect the sale, trade, pawn, receipt or disposition of any firearm, buyer lists, seller lists, books reflecting the value of firearms and or notes, cryptic or otherwise, pay-owe sheets, records of sales, log books, ledgers, documents and photographs which reflect relationships between identified and/or unidentified co-conspirators to include personal telephone/address books, including electronic organizers and rolodexes, and financial instruments such as pre-pay and/or bank debit cards, credit cards, checkbooks, and any other financial instrument used to purchase goods and services, to include bulk amount of US and foreign currencies.
3. Records that establish the persons who have control, possession, custody or dominion over the property searched and from which evidence is seized, such as personal mail, checkbooks, personal identification, notes, other correspondence, utility bills, rental agreements and receipts, payment receipts, keys, leases, mortgage and loan documents, vehicle registration information, title documents, ownership warranties, receipts for vehicle parts, rental vehicle information and agreements, and repairs and telephone answering machine recordings and fingerprints.
4. Records that provide evidence of transportation such as a United States Passport and/or other foreign country passport or visa, gas receipts, hotel receipts, copies of law enforcement traffic citations or parking tickets, public transportation receipts, vehicle repairs invoices and/or receipts.
5. Cellular phones, cellular phone bills and/or receipts, calling cards, land line bills and/or receipts, SIMS cards, and cellular telephone battery charger.
6. Records related to their banking activity to include including bank and credit card statements, check registers, deposit and withdrawal slips, ATM receipts, cancelled checks, certificates of deposit, notes, account applications, money drafts, letters of credit, money orders, cashiers' checks and receipts for same, bank checks, certificates of deposit, safety deposit slips, stock certificates, bonds, bearer

instruments, money market accounts statements, letters of credit, wire transfers and bank reconciliations.

7. Records also include audio recordings, video recordings, memoranda, correspondence, diaries, maps, notes, address books, day planners, calendars, appointment books, newspaper clippings, articles, books, storage agreements and bills, storage locker keys, asset ownership records, journals, ledgers, financials, budgets, proposals, plans, contracts, agreements, bills of sale, delivery records, invoices, receipts, documentation of conveyances, deeds, and other papers. These records may be in many forms such as paper, electronic, or in code.
8. Documents and manuals that depict or instruct on subjects such as vehicle concealment, smuggling and federal firearms and narcotics laws.
9. Safes, strong boxes, and/or other secure receptacles for the maintenance of valuable items, firearms and/or documents including books, records, and any keys or other evidence of the existence and usage of any lockers, safety deposit boxes or other secure receptacles situated elsewhere than at defendant's property.
10. Body Armor.
11. Illegal Narcotics